

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BARBARA BERRY, S.A.de C.V.,

Plaintiff,

v.

KEN M. SPOONER FARMS, INC.,

Defendant.

Case No. C05-5538FDB

ORDER DENYING  
RECONSIDERATION

Plaintiff Berry moves for reconsideration arguing that the Court erroneously decided the enforceability of the disclaimer rather than whether the disclaimer was part of the contract, and under the CISG, the disclaimer was not part of the contract and it is procedurally unconscionable. Plaintiff's arguments, variations on its earlier submissions, do not convince the Court to revise its earlier order granting Defendant's motion for summary judgment. ACCORDINGLY,

IT IS ORDERED: Plaintiff's Motion for Reconsideration of Summary Judgment Order [Dkt. # 30] is DENIED.

DATED this 24<sup>th</sup> day of May 2006.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE